

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRISTRATA TECHNOLOGY, INC.)
Plaintiff,)
v.) C. A. No. 06-645 (JJF)
JEUNIQUE INTERNATIONAL, INC.)
DERMALOGICA, INC., GLYCOFORM-D)
CORP., JUVENESSE BY ELAINE GAYLE, INC.)
Defendants.

STIPULATION AND ORDER

WHEREAS, plaintiff Tristrata Technology, Inc. (“TTI”) and defendant Dermalogica Inc. (“Dermalogica”) are involved in settlement discussions and would like, with the Court’s permission, to extend a number of the dates set forth in the Rule 16 Scheduling Order (D.I. 20 and 23) to further pursue such settlement discussions.

NOW THEREFORE, IT IS HEREBY STIPULATED BY THE PARTIES, subject to the approval of the Court, that the Rule 16 Scheduling Order (D.I. 20 and 23) in this action be amended as follows:

1. **Joinder of other Parties.** All motions to join other parties shall be filed on or before **October 8, 2008**.

2 Discovery

(a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by **September 11, 2008.**

(e) Fact discovery shall be commenced so as to be completed by **December 3, 2008**.

(f) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the party bearing the burden of proof by **January 9, 2009**; and responsive reports are due by **February 13, 2009**.

3. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before **October 8, 2008**.

4. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before **April 9, 2009**.

5. **Markman.** A Markman hearing will be held on _____, 200____, beginning at ____:_____.m. Briefing on the claim construction issues shall be completed at least ten (10) business days prior to the hearing. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

6. **Pretrial Conference and Trial.** After reviewing this Stipulation and proposed Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within 120 days of the Pretrial Conference.

7. All other dates in the Court's Rule 16 Scheduling Order (D.I. 20 and 23) shall remain unchanged.

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SO ORDERED this _____ day of _____, 2008.

United States District Judge